

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

12TH LEGISLATIVE DAY

WEDNESDAY, MARCH 7, 2001

1:00 O'CLOCK P.M.

No. 12
[Mar. 7, 2001]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Reverend Larry Goetz, Our Savior's Lutheran Church,
 Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of Tuesday, March 6, 2001 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A report on the Preliminary FY 2002 Revenue Estimate and Updated FY 2001 Revenue Outlook submitted by the Illinois Economic and Fiscal Commission.

A report of General Revenue Fund receipts for February along with the latest indicators of economic activity submitted by the Illinois Economic and Fiscal Commission.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 64
 Senate Amendment No. 1 to Senate Bill 149
 Senate Amendment No. 2 to Senate Bill 168
 Senate Amendment No. 1 to Senate Bill 231
 Senate Amendment No. 1 to Senate Bill 264

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred Senate Bills numbered 871 and 874 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred Senate Bills numbered 406, 487, 616, 898, 912 and 1026 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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Senator Cronin, Chairperson of the Committee on Education to which was referred Senate Bills numbered 116, 180 and 722 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred Senate Bills numbered 153, 364, 574, 761, 861, 880 and 1289 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred Senate Bills numbered 394 and 683 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 20, 117, 251, 265, 430, 433, 441, 661, 797, 829, 838, 840, 887, 977, 978 and 1097 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 39, 194, 195 and 1517 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred Senate Bills numbered 113, 448, 504, 547, 602 and 800 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred Senate Bills numbered 115 and 267 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

At the hour of 1:24 o'clock p.m., Senator Watson presiding.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 12

A bill for AN ACT to amend the School Code by adding Section 22-27.

HOUSE BILL NO. 217

A bill for AN ACT relating to schools.

HOUSE BILL NO. 234

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A bill for AN ACT to amend the Medical Practice Act of 1987.

HOUSE BILL NO. 290

A bill for AN ACT concerning higher education.

HOUSE BILL NO. 502

A bill for AN ACT respecting education.

HOUSE BILL NO. 536

A bill for AN ACT relating to education.

Passed the House, March 6, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 12, 217, 234, 290, 502 and 536 were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 215, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 234, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 289, sponsored by Senator Karpiel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 290, sponsored by Senator Karpiel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 478, sponsored by Senator Molaro was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 536, sponsored by Senators W. Jones - Woolard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 978, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its March 7, 2001 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Environment and Energy: Senate Resolution No. 38.

Public Health and Welfare: Senate Joint Resolution No. 3.

Senator Weaver, Chairperson of the Committee on Rules, during its March 7, 2001 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Education: House Bill No. 258.

Senator Weaver, Chairperson of the Committee on Rules, during its March 7, 2001 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

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Education: Senate Amendment No. 1 to Senate Bill 264.
 Judiciary: Senate Amendment No. 1 to Senate Bill 64.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 1 to Senate Bill 93
 Senate Amendment 1 to Senate Bill 101
 Senate Amendment 1 to Senate Bill 149
 Senate Amendment 2 to Senate Bill 168
 Senate Amendment 1 to Senate Bill 187
 Senate Amendment 1 to Senate Bill 231
 Senate Amendment 2 to Senate Bill 368

The foregoing floor amendments were placed on the Secretary's Desk.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Dillard, Senate Bill No. 31 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 50 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 98 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Myers, Senate Bill No. 168 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 168 as follows:
 on page 1, by replacing lines 8 through 17 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";
 and
 on page 1, by replacing lines 24 through 29 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";
 and
 on page 2, by deleting lines 1 through 4; and
 on page 2, by replacing lines 11 through 20 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability

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of the vaccine from the manufacturer. Nothing in this Section may"; and

on page 2, by replacing lines 27 through 30 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";

and

on page 3, by deleting lines 1 through 6; and

on page 3, by replacing lines 13 through 22 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";

and

on page 3, by replacing lines 29 through 30 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";

and

on page 4, by deleting lines 1 through 8; and

on page 4, by replacing lines 15 through 24, with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";

and

on page 5, by replacing lines 1 through 10 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may";

and

on page 5, by replacing lines 17 through 26 with the following:
"beginning of each academic year, the University shall inform each of its incoming students about meningitis and its transmission. Any University facility that delivers health services to University students must offer the meningitis vaccine, subject to availability of the vaccine from the manufacturer. Nothing in this Section may".

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 168, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 6 and 14, by replacing "students" each time it appears with "incoming freshmen and transfer students"; and

on page 2, lines 1, 9, 18, and 26, by replacing "students" each time it appears with "incoming freshmen and transfer students"; and

on page 3, lines 4, 12, and 20, by replacing "students" each time it appears with "incoming freshmen and transfer students".

The motion prevailed and the amendment was adopted and ordered

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printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, Senate Bill No. 314 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 370 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 396 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 400 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 400 by replacing the title with the following:

"AN ACT concerning railroad relocation."; and
by replacing everything after the enacting clause with the following:

"ARTICLE 1.

Section 1-1. Short title. This Article may be cited as the Southwest Suburban Railroad Redevelopment Authority Law.

Section 1-5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well-being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The Southwest Suburban area, by reason of the location therein of vital roadways and their use for vehicular travel in access to the entire southwest metropolitan Chicago area, as well as commercial and industrial growth patterns and accessibility to manufacturing and freight-related facilities, have become and will increasingly be the hub of transportation from all parts of the region and throughout the southwest metropolitan area. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of railroad grade crossings. Additionally, certain development opportunities may exist in the project area that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, and promote comprehensive planning within and between communities. The presence of the railroad grade crossings are detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad tracks, to separate the grades at crossing, to acquire property for relocation or submergence of the railroad or highways, to create an agency to facilitate and accomplish that relocation, and to direct infrastructure and development improvements in the Southwest Suburban area.

Section 1-10. Creation; duration. There is created a body politic and corporate, a unit of local government, named the Southwest Suburban Railroad Redevelopment Authority, embracing the municipalities of Chicago Ridge, Burbank, Bedford Park, Worth, Lansing, Glenwood, Chicago Heights, Robbins, Markham, Tinley Park,

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Orland Park, Palos Park, Crestwood, Dolton, Riverdale, Harvey, Oak Lawn, Dixmoor, Bridgeview, Alsip, Oak Forest, Midlothian, Palos Heights, Evergreen Park, Posen, Blue Island, and Merrionette Park. The Authority shall continue in existence until the accomplishment of its objective, the relocation of railroad tracks and roadways and the grade separation of railroads from the right-of-way and at-grade crossing closures within the Southwest Suburban area, or until the Authority officially resolves that it is impossible or economically unfeasible to fulfill that objective.

Section 1-15. Acquisition of property. The Authority has the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys, and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property that is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of that governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on intrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

Section 1-20. Sale or exchange of property. The Authority has the power to sell, transfer, exchange, vacate, or assign property acquired for the purposes of this Article as it deems appropriate.

Section 1-25. Acceptance of grants, loans, and appropriations. The Authority has the power to apply for and accept grants, loans, advances, and appropriations from the federal government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Authority, and to enter into any agreement in relation to the grants, loans, advances, and appropriations. The Authority may also accept from the State, any State agency, department, or commission, any county or other political subdivision, any municipal corporation, any railroad, any school authority, or jointly therefrom, grants of funds or services for any of the purposes of this Article. The Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's jurisdiction and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

Section 1-30. Taxing powers. The Authority may not levy real property taxes for any purpose whatsoever.

Section 1-35. Board; compensation and expenses. The Authority shall be governed by a 28-member board consisting of the mayors or village presidents, or their designees, of Chicago Ridge, Dolton, Burbank, Bedford Park, Worth, Lansing, Glenwood, Chicago Heights, Robbins, Markham, Tinley Park, Orland Park, Palos Park, Crestwood, Riverdale, Harvey, Oak Lawn, Dixmoor, Bridgeview, Alsip, Oak Forest, Midlothian, Palos Heights, Evergreen Park, Posen, Blue Island, and Merrionette Park and the Chairman of Commuter Rail Board (created by the Regional Transportation Authority) or his or her designee. The office of Chair shall rotate annually and shall represent each of the participating municipalities until each one has served as Chair, upon which time the office of Chair shall rotate back to the original representative member. Each representative member shall take and

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subscribe the constitutional oath of office and file it with the Secretary of State. The members of the board shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the board who serves as secretary or treasurer may receive compensation for services as that officer. Any of the 27 member municipalities may opt out of the Authority by a majority vote of the corporate authorities of that municipality. That municipality shall notify the Authority in writing of its vote to opt out of the Authority.

Section 1-40. Organization; chair and temporary secretary. As soon as possible after the effective date of this Act, the board shall organize for the transaction of business, select a Chair and a temporary Secretary from its own number, and adopt bylaws to govern its proceedings. The initial Chair and successors shall be elected by the board from time to time from among members. The board may act through its members by entering into an agreement that a member act on the board's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the board and not the individual act of the member or its represented person.

Section 1-45. Meetings; quorum; resolutions. Regular meetings of the board shall be held at least quarterly, the time and place of those meetings to be fixed by the board. Special meetings may be called by the Chair or by a majority of the members of the board by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mails at least 48 hours before the meeting. A majority of the members of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution and, except as otherwise provided in this Article, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The Chair shall be entitled to vote on any and all matters coming before the board.

Section 1-50. Secretary and Treasurer; oaths; bond of Treasurer. The board may appoint a Secretary and a Treasurer, who need not be members of the board, to hold office at the pleasure of the board, and fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe to the constitutional oath of office, and the Treasurer shall execute a bond with corporate sureties to be approved by the board. The bond shall be payable to the Authority in whatever penal sum may be directed by the board conditioned upon the faithful performance of the duties of the office and the payment of all money received by the Treasurer according to law and the orders of the board. The board may, at any time, require a new bond for the Treasurer in any penal sum that may then be determined by the board.

Section 1-55. Deposit and withdrawal of funds; signatures. All funds deposited by the Treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the Treasurer and countersigned by the Chair of the board. Subject to prior approval of the designations by a majority of the board, the Chair may designate any other member or any officer of the Authority to affix the signature of the Treasurer to any Authority check or draft for payment of salaries or wages and for payment of any other obligation of not more than \$2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds

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Investment Act.

Section 1-60. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued pursuant to this Article ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 1-65. Rules. The board may make all rules and regulations proper or necessary and to carry into effect the powers granted to it. The rules and regulations shall be consistent with the guidelines, objectives, and project scope as set out by the Illinois Commerce Commission.

Section 1-70. Fiscal year. The Authority shall designate its fiscal year.

Section 1-75. Reports and financial statements. Within 60 days after the end of its fiscal year, the board shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as relate to the projects undertaken by the Authority. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Cook County.

Section 1-80. Construction. Nothing in this Article shall be construed to confer upon the Authority the right, power, or duty to order or enforce the abandonment of any present property of the railroads or the use in substitution therefor of any property acquired for the railroads in the absence of a contract duly executed by the railroads and the Authority setting forth the terms and conditions upon which relocation of the right-of-way and physical facilities of the railroads is to be accomplished. No such contract shall be or become enforceable until the provisions of the contract have been approved or authorized by the Illinois Commerce Commission.

Section 1-85. Existing contracts, obligations, and liabilities. No contract, obligation, or liability whatever of the railroads to pay any money into the State treasury, nor any lien of the State upon or right to tax property of the railroads, shall be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by the contract with the Authority, and any such charter provisions applicable to the property on which the railroads are now located shall be deemed in full force and effect with respect to any property on which the railroads are relocated in substitution therefor pursuant to the provisions of this Article or any such contract with the Authority pursuant thereto. Notwithstanding, upon order of the Illinois Commerce Commission, the Authority shall succeed to and assume the performance and actions of the represented persons under the terms of the order and amending orders previously entered relative to projects undertaken by the Authority and consistent with the objectives of the Authority.

Section 1-90. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

ARTICLE 5.

Section 5-1. Short title. This Article may be cited as the Dixon Railroad Relocation Authority Law.

Section 5-5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The City of Dixon has become and will increasingly be the hub of

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transportation from all parts of the region. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of a railroad spur line running through the City of Dixon. The presence of the railroad spur line in the City of Dixon is detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad, to acquire property for relocation of the railroad or highways, and to create an agency to facilitate and accomplish that relocation.

Section 5-10. Creation; duration. There is created a body politic and corporate and a unit of local government named the Dixon Railroad Relocation Authority, embracing Lee County. The Authority shall continue in existence until the accomplishment of its objective, the relocation of the railroad spur line running through the City of Dixon or until the Authority officially resolves that it is impossible or economically unfeasible to fulfill that objective.

Section 5-15. Acquisition of property. The Authority shall have the power to acquire by gift, purchase, or legacy the fee simple title to real property located within the boundaries of the Authority, including temporary and permanent easements, as well as reversionary interests in the streets, alleys and other public places and personal property, required for its purposes, and title thereto shall be taken in the corporate name of the Authority. Any such property that is already devoted to a public use may nevertheless be acquired, provided that no property belonging to the United States of America or the State of Illinois may be acquired without the consent of such governmental unit. No property devoted to a public use belonging to a corporation subject to the jurisdiction of the Illinois Commerce Commission may be acquired without a prior finding by the Illinois Commerce Commission that the taking would not result in the imposition of an undue burden on intrastate commerce. All land and appurtenances thereto, acquired or owned by the Authority, are to be deemed acquired or owned for a public use or public purpose.

Section 5-20. Sale or exchange of property. The Authority shall have the power to sell, transfer, exchange, vacate or assign property acquired for the purposes of this Act as it shall deem appropriate.

Section 5-25. Acceptance of grants, loans, and appropriations. The Authority shall have the power to apply for and accept grants, loans, advances, and appropriations from the Federal Government and from the State of Illinois or any agency or instrumentality thereof to be used for the purposes of the Authority, and to enter into any agreement in relation to such grants, loans, advances, and appropriations. The Authority may also accept from the State, any State agency, department or commission, any county or other political subdivision, any municipal corporation, any railroad, or any school authorities, or jointly therefrom, grants of funds or services for any of the purposes of this Article. The Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's jurisdiction and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

Section 5-30. Borrowing money and issuance of bonds. The Authority may incur debt and borrow money from time to time and, in evidence thereof, may issue and sell bonds in such amounts as the Authority may determine, to provide funds for carrying out the purposes of this Article and to pay all costs and expenses incident thereto, and to refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the

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Authority.

Section 5-35. Taxing powers. The Authority shall not have the power to levy real property taxes for any purpose whatsoever.

Section 5-40. Board; composition; qualification; compensation and expenses. The Authority shall be governed by a board consisting of 5 members. The members of the Authority shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the Authority who serves as secretary or treasurer may receive compensation for services as that officer.

Section 5-45. Appointments; tenure; oaths; vacancies. The members of the Authority shall be appointed by the Governor, who shall give notice of the member's selection to each other member within 10 days after selection and before the member's entering upon the duties of office. Three of the members shall be appointed by the Governor from a list of 4 candidates provided by the mayor of the City of Dixon, and 2 of the members shall be appointed by the Governor from a list of 3 candidates provided by the chairman of the county board of Lee County. Each member of the Authority shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. If a vacancy occurs by death, resignation, or otherwise, the vacancy shall be filled by the Governor. All appointments of members shall be for a 3-year term. Each member shall continue to serve an additional 3-year term unless that member is replaced by appointment within 60 days of the end of his or her term.

Section 5-50. Removal of members. The Governor may remove from office any Authority member immediately in case of incompetency, neglect of duty, or malfeasance of office, or otherwise upon 15 days written notice to the other members. Absence from any 3 consecutive regular meetings of the Authority shall be deemed neglect of duty.

Section 5-55. Organization; chairperson and temporary Secretary. As soon as possible after the appointment of the initial members, the Authority shall organize for the transaction of business, select a chairperson and a temporary secretary from its own number, and adopt bylaws to govern its proceedings. The initial chairperson and successors shall be elected by the Authority from time to time from among the members. The Authority may act through its members by entering into an agreement that a member act on the Authority's behalf, in which instance the act or performance directed shall be deemed to be exclusively of, for, and by the Authority and not the individual act of the member or its represented person.

Section 5-60. Meetings; quorum; resolutions. Regular meetings of the Authority shall be held at least quarterly, the time and place of those meetings to be fixed by the Authority. Special meetings may be called by the chairperson or by any 3 members of the Authority by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mail at least 48 hours before the meeting. A majority of the members of the Authority shall constitute a quorum for the transaction of business. All action of the Authority shall be by resolution and, except as otherwise provided in this Article, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The chairperson shall be entitled to vote on any and all matters coming before the Authority.

Section 5-65. Secretary and treasurer; oaths; bond of treasurer. The Authority may appoint a secretary and a treasurer, who need not be members of the Authority, to hold office during the pleasure of the Authority, and fix their duties and compensation. Before

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entering upon the duties of their respective offices, they shall take and subscribe to the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties to be approved by the Authority. The bond shall be payable to the Authority in whatever penal sum may be directed by the Authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by the treasurer according to law and the orders of the Authority. The Authority may, at any time, require a new bond for the treasurer in such penal sum as may then be determined by the Authority.

Section 5-70. Deposit and withdrawal of funds; signatures. All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chairperson of the Authority. Subject to prior approval of the designations by a majority of the Authority, the chairperson may designate any other member or any officer of the Authority to affix the signature of the treasurer to any Authority check or draft for payment of salaries or wages and for payment of any other obligation of not more than \$2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

Section 5-75. Delivery of check after executing officer ceases to hold office. If any officer whose signature appears upon any check or draft issued pursuant to this Article ceases to hold office before the delivery of the check or draft to the payee, the officer's signature nevertheless shall be valid and sufficient for all purposes with the same effect as if the officer had remained in office until delivery of the check or draft.

Section 5-80. Rules. The Authority may make all rules proper or necessary to carry into effect the powers granted to it. The rules shall be consistent with the guidelines, objectives, and project scope as set out by the Illinois Commerce Commission.

Section 5-85. Fiscal year. The Authority shall designate its fiscal year.

Section 5-90. Reports and financial statements. Within 60 days after the end of its fiscal year, the Authority shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as relate to the Dixon railroad relocation project. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Lee County.

Section 5-95. Construction. Nothing in this Article shall be construed to confer upon the Authority the right, power, or duty to order or enforce the abandonment of any present property of the railroads or the use in substitution therefor of any property acquired for the railroads in the absence of a contract duly executed by the railroads and the Authority setting forth the terms and conditions upon which relocation of the right of way and physical facilities of the railroads is to be accomplished. No such contract shall be or become enforceable until the provisions of the contract have been approved or authorized by the Illinois Commerce Commission.

Section 5-100. Existing contracts, obligations, and liabilities. No contract, obligation, or liability whatever of the railroads to pay any money into the State treasury, nor any lien of the State upon

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or right to tax property of the railroads, shall be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by the contract with the Authority, and any such charter provisions applicable to the property on which the railroads are now located shall be deemed in full force and effect with respect to any property on which the railroads are relocated in substitution therefor pursuant to the provisions of this Act or any such contract with the Authority pursuant thereto. Notwithstanding, upon order of the Illinois Commerce Commission, the Authority shall succeed to and assume the performance and actions of the represented persons under the terms of the order and amending orders previously entered relative to the Dixon railroad relocation project and consistent with the objectives of the Authority.

Section 5-105. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

ARTICLE 10.

Section 10-5. The 25th Avenue Railroad Relocation and Development Authority Act is amended by changing the title of the Act and Sections 1, 5, 10, 40, 45, 60, and 90 as follows:

(70 ILCS 1920/Act title)

An Act creating the West Cook 25th-Avenue Railroad Relocation and Redevelopment Authority.

(70 ILCS 1920/1)

Sec. 1. Short title. This Act may be cited as the West Cook 25th-Avenue Railroad Relocation and Development Authority Act.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/5)

Sec. 5. Legislative declaration. The General Assembly declares that the welfare, health, prosperity, and moral and general well being of the people of the State are, in large measure, dependent upon the sound and orderly development of municipal areas. The Village of Bellwood, the Village of Maywood, and the Village of Melrose Park, by reason of the location therein of 25th Avenue and the First Avenue vicinity between Lake Street on the North, Oak Street on the South, the Des Plaines River on the East, and Fifth Avenue on the West and their its use for vehicular travel in access to the entire west metropolitan Chicago area, including municipalities in 2 counties, as well as commercial and industrial growth patterns and accessibility to O'Hare International Airport, Midway Airport, manufacturing, and freight related facilities, have become and will increasingly be the hub of transportation from all parts of the region and throughout the west metropolitan area. Motor vehicle traffic, pedestrian travel, and the safety of both motorists and pedestrians are substantially aggravated by the location of a major railroad right of way that divides the Village of Bellwood and the Village of Melrose Park. Additionally, certain development opportunities may exist in the project area that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, create opportunities for intersurface modal transportation efficiencies, and promote comprehensive planning within and between communities. The presence of the railroad right of way at the 25th Avenue grade crossing is detrimental to the orderly expansion of industry and commerce and to progress of the region. To alleviate this situation it is necessary to relocate the railroad tracks and right of way on 25th Avenue and First Avenue, to separate the grades at crossings crossing, to acquire property for relocation or submergence of the railroad or highways, to create an agency to facilitate and accomplish that relocation, and to direct infrastructure and development improvements in the 25th Avenue vicinity between St. Charles Road and Lake Street and the First

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Avenue vicinity between Lake Street on the North, Oak Street on the South, the Des Plaines River on the East, and Fifth Avenue on the West.

Additionally, certain development opportunities may exist in the West Cook County region from Harlem Avenue on the East to I-294 on the West and from Grand Avenue on the North to 31st Street on the South that would stabilize and enhance the tax base of existing communities, maintain and revitalize existing commerce and industry, create opportunities for modal transportation efficiencies, and promote comprehensive planning within and between communities.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/10)

Sec. 10. Creation; duration. There is created a body politic and corporate, a unit of local government, named the West Cook 25th Avenue Railroad Relocation and Development Authority, embracing that portion of Proviso Township embracing that portion of the Village of Bellwood and the Village of Melrose Park from St. Charles Road on the South to Lake Street on the North, and from the Indiana Harbor Belt Railroad on the West to 22nd Avenue on the East, Cook County, Illinois and the Village of Maywood, Cook County, Illinois. The Authority shall continue in existence until the accomplishment of its objective, the relocation of the railroad tracks and 25th Avenue, the grade separation of railroads from the right of way and at-grade crossing closures within the Village of Bellwood and the Village of Melrose Park, the grade separation of railroads from the right-of-way and at grade crossing in the First Avenue vicinity between Lake Street, Oak Street, the Des Plaines River, and Fifth Avenue, and the establishment of a transit-oriented intersurface modal development facility in the project area, or until the Authority officially resolves that it is impossible or economically unfeasible to fulfill that objective.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/40)

Sec. 40. Board; composition; qualification; compensation and expenses. The Authority shall be governed by a board consisting of 7 5 members. The members of the Authority shall serve without compensation, but may be reimbursed for actual expenses incurred by them in the performance of duties prescribed by the Authority. However, any member of the Authority who serves as secretary or treasurer may receive compensation for services as that officer.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/45)

Sec. 45. Appointments; tenure; oaths; vacancies. The members of the Authority shall be appointed by the Governor, who shall give notice of the member's selection to each other member within 10 days after selection and before the member's entering upon the duties of office. Two of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Bellwood, 2 of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Maywood, and 2 of the members shall be recommended to the Governor from a list of 3 candidates provided by the village president of the Village of Melrose Park. The office of chairman shall rotate annually and shall represent the Village of Bellwood, the Village of Melrose Park, the Village of Maywood, and the Governor's appointments, respectively, for each of the 3 years of the term of office. Each representative member of the Authority shall take and subscribe to the constitutional oath of office and file it with the Secretary of State. If a vacancy occurs by death, resignation, or otherwise, the vacancy shall be filled by the

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appropriate selecting party. All appointments of members shall be for a 3-year term. Each member shall continue to serve an additional 3-year term unless that member is replaced by appointment within 60 days of the end of his or her term.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/60)

Sec. 60. Meetings; quorum; resolutions. Regular meetings of the Authority shall be held at least quarterly, the time and place of those meetings to be fixed by the Authority. Special meetings may be called by the Chair or by any 4 3 members of the Authority by giving notice thereof in writing, stating the time, place, and purpose of the meeting. The notice shall be served by special delivery letter deposited in the mails at least 48 hours before the meeting. A majority of the members of the Authority shall constitute a quorum for the transaction of business. All action of the Authority shall be by resolution and, except as otherwise provided in this Act, the affirmative vote of at least a majority shall be necessary for the adoption of any resolution. The Chair shall be entitled to vote on any and all matters coming before the Authority.

(Source: P.A. 91-562, eff. 8-14-99.)

(70 ILCS 1920/90)

Sec. 90. Reports and financial statements. Within 60 days after the end of its fiscal year, the Authority shall cause to be prepared by a certified public accountant a complete and detailed report and financial statement of the operations and assets and liabilities as relate to the 25th Avenue railroad grade separation project and the First Avenue railroad grade separation project. A reasonably sufficient number of copies of the report shall be prepared for distribution to persons interested, upon request, and a copy of the report shall be filed with the Illinois Commerce Commission and with the county clerk of Cook County.

(Source: P.A. 91-562, eff. 8-14-99.)

Section 1-90. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, Senate Bill No. 452 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 452 by replacing everything after the enacting clause with the following:

"Section 5. The Health Maintenance Organization Act is amended by changing Sections 2-3, 2-4, and 2-6 and adding Article 4.5 as follows:

(215 ILCS 125/2-3) (from Ch. 111 1/2, par. 1405)

Sec. 2-3. Powers of health maintenance organizations. The powers of a health maintenance organization include, but are not limited to the following:

(a) The purchase, lease, construction, renovation, operation, or maintenance of hospitals, medical facilities or both, and their ancillary equipment, and such property as may reasonably be required for its principal office or for such other purposes as may be necessary in the transaction of the business of the organization.

(b) The making of loans to a medical group under contract with

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it and in furtherance of its program or the making of loans to a corporation or corporations under its control for the purpose of acquiring or constructing medical facilities at hospitals or in furtherance of a program providing health care services for enrollees.

(c) The furnishing of health care services through providers which are under contract with or employed by the health maintenance organization.

(d) The contracting with any person for the performance on its behalf of certain functions such as marketing, enrollment and administration.

(e) The contracting with an insurance company licensed in this State, or with a hospital, medical, dental, vision or pharmaceutical service corporation authorized to do business in this State, for the provision of insurance, indemnity, or reimbursement against the cost of health care service provided by the health maintenance organization.

(f) The offering, in addition to basic health care services, of (1) health care services, (2) indemnity benefits covering out of area or emergency services, and (3) indemnity benefits provided through insurers or hospital, medical, dental, vision, or pharmaceutical service corporations, and (4) health maintenance organization point-of-service benefits as authorized under Article 4.5.

(g) Rendering services related to the functions involved in the operating of its health maintenance organization business including but not limited to providing health services, data processing, accounting, or claims.

(g-5) Indemnification for services provided to a child as required under subdivision (e)(3) of Section 4-2.

(h) Any other business activity reasonably complementary or supplementary to its health maintenance organization business to the extent approved by the Director.

(Source: P.A. 89-183, eff. 1-1-96.)

(215 ILCS 125/2-4) (from Ch. 111 1/2, par. 1406)

Sec. 2-4. Required minimum net worth; special contingent reserve; deficiency; impairment.

(a) A health maintenance organization issued a certificate of authority on or after the effective date of this amendatory Act of 1987 shall have and at all times maintain net worth of not less than \$1,500,000. As an allocation of net worth, organizations certified prior to the effective date of this amendatory Act of 1987 shall maintain a special contingent reserve. The special contingent reserve for an organization certified between January 1, 1986 and the effective date of this amendatory Act of 1987 shall be equal to 5% of its net earned subscription revenue for health care services through December 31st of the year in which certified. In subsequent years such organization shall accumulate additions to the contingent reserve in an amount which is equal to 2% of its net earned subscription revenue for each calendar year. For purposes of this Section, net earned subscription revenue means premium minus reinsurance expenses. Maintenance of the contingent reserve requires that net worth equals or exceeds the contingent reserve at any balance sheet date.

(b) Additional accumulations under subsection (a) will no longer be required at such time that the total special contingent reserve required by subsection (a) is equal to \$1,500,000.

(c) A deficiency in meeting amounts required in subsections (a), (b), and (d) will require (1) filing with the Director a plan for correction of the deficiency, acceptable to the Director and (2) correction of the deficiency within a reasonable time, not to exceed

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60 days unless an extension of time, not to exceed 60 additional days, is granted by the Director. Such a deficiency will be deemed an impairment, and failure to correct the deficiency in the prescribed time shall be grounds for suspension or revocation pursuant to subsection (h) of Section 5-5.

(d) All health maintenance organizations issued a certificate of authority on or prior to December 31, 1985 and regulated under this Act must have and at all times maintain, prior to December 31, 1988, the net worth and special contingent reserve that was required for that particular organization at the time it was certified. All such organizations must have by December 31, 1988 and thereafter maintain at all times, net worth of not less than \$300,000 and a special contingent reserve calculated and accumulated in the same manner as required of a health maintenance organization issued a certificate of authority on or between January 1, 1986 and the effective date of this amendatory Act of 1987. Such calculation shall commence with the financial reporting period first following certification.

All organizations issued a certificate of authority between January 1, 1986 and the effective date of this amendatory Act of 1987 must have and at all times maintain the net worth and special contingent reserve that was required for that particular organization at the time it was certified.

(d-5) A health maintenance organization that offers a point-of-service product must maintain minimum net worth of not less than:

(1) the greater of 300% of the "authorized control level" as defined by Article IIA of the Illinois Insurance Code; or

(2) \$3,500,000 if the health maintenance organization's annual projected out-of-plan claims are less than \$500,000; or

(3) \$4,500,000 if the health maintenance organization's annual projected out-of-plan claims are equal to or greater than \$500,000 but less than \$1,000,000; or

(4) \$6,000,000 if the health maintenance organization's annual projected out-of-plan claims are \$1,000,000 or greater.

(e) Unless allowed by the Director, no health maintenance organization, officer, director, trustee, producer, or employee of such organization may renew, issue, or deliver, or cause to be renewed, issued or delivered, any certificate, agreement, or contract of coverage in this State, for which a premium is charged or collected, when the organization writing such coverage is insolvent or impaired, and the fact of such insolvency or impairment is known to the organization, officer, director, trustee, producer, or employee of such organization. An organization is impaired when a deficiency exists in meeting the amounts required in subsections(a), (b), and (d) of Section 2-4.

However, the existence of an impairment does not prevent the issuance or renewal of a certificate, agreement or contract when the enrollee exercises an option granted under the plan to obtain new, renewed or converted coverage.

Any organization, officer, director, trustee, producer, or employee of such organization violating this subsection shall be guilty of a Class A misdemeanor.

(Source: P.A. 85-20.)

(215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)

Sec. 2-6. Statutory deposits.

(a) Every organization subject to the provisions of this Act shall make and maintain with the Director through December 30, 1993, for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal

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to at least \$100,000. Effective December 31, 1993 and through December 30, 1994, the deposit shall have a fair market value at least equal to \$200,000. Effective December 31, 1994 and thereafter, the deposit shall have a fair market value at least equal to \$300,000. An organization issued a certificate of authority on or after the effective date of this Amending Act of 1993, shall make and maintain with the Director; for the protection of enrollees of the organization, a deposit of securities which are authorized investments under paragraphs (1) and (2) of subsection (h) of Section 3-1 having a fair market value equal to at least \$300,000. The amount on deposit shall remain as an admitted asset of the organization in the determination of its net worth.

(b) An organization that offers a point-of-service product, as permitted by Article 4.5, must maintain an additional deposit in an amount that is not less than the greater of 125% of the organization's annual projected point-of-service claims or \$300,000.
(Source: P.A. 88-364.)

(215 ILCS 125/Art. 4.5, heading new)

ARTICLE 4.5. POINT-OF-SERVICE
PRODUCTS

(215 ILCS 125/4.5-1 new)

Sec. 4.5-1. Point-of-service health service contracts.

(a) A health maintenance organization that offers a point-of-service contract:

(1) must include as in-plan covered services all services required by law to be provided by a health maintenance organization;

(2) must provide incentives, which shall include financial incentives, for enrollees to use in-plan covered services;

(3) may not offer services out-of-plan without providing those services on an in-plan basis;

(4) may include annual out-of-pocket limits and lifetime maximum benefits allowances for out-of-plan services that are separate from any limits or allowances applied to in-plan services;

(5) may not consider emergency services, authorized referral services, or non-routine services obtained out of the service area to be point-of-service services; and

(6) may treat as out-of-plan services those services that an enrollee obtains from a participating provider, but for which the proper authorization was not given by the health maintenance organization.

(b) A health maintenance organization offering a point-of-service contract is subject to all of the following limitations:

(1) The health maintenance organization may not expend in any calendar quarter more than 20% of its total expenditures for all its members for out-of-plan covered services.

(2) If the amount specified in item (1) of this subsection is exceeded by 2% in a quarter, the health maintenance organization must effect compliance with item (1) of this subsection by the end of the following quarter.

(3) If compliance with the amount specified in item (1) of this subsection is not demonstrated in the health maintenance organization's next quarterly report, the health maintenance organization may not offer the point-of-service contract to new groups or include the point-of-service option in the renewal of an existing group until compliance with the amount specified in item (1) of this subsection is demonstrated or until otherwise allowed by the Director.

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(4) A health maintenance organization failing, without just cause, to comply with the provisions of this subsection shall be required, after notice and hearing, to pay a penalty of \$250 for each day out of compliance, to be recovered by the Director. Any penalty recovered shall be paid into the General Revenue Fund. The Director may reduce the penalty if the health maintenance organization demonstrates to the Director that the imposition of the penalty would constitute a financial hardship to the health maintenance organization.

(c) A health maintenance organization that offers a point-of-service product must do all of the following:

(1) File a quarterly financial statement detailing compliance with the requirements of subsection (b).

(2) Track out-of-plan, point-of-service utilization separately from in-plan or non-point-of-service, out-of-plan emergency care, referral care, and urgent care out of the service area utilization.

(3) Record out-of-plan utilization in a manner that will permit such utilization and cost reporting as the Director may, by rule, require.

(4) Demonstrate to the Director's satisfaction that the health maintenance organization has the fiscal, administrative, and marketing capacity to control its point-of-service enrollment, utilization, and costs so as not to jeopardize the financial security of the health maintenance organization.

(5) Maintain, in addition to any other deposit required under this Act, the deposit required by Section 2-6.

(6) Maintain cash and cash equivalents of sufficient amount to fully liquidate 10 days' average claim payments, subject to review by the Director.

(7) Maintain and file with the Director, reinsurance coverage protecting against catastrophic losses on out of network point-of-service services. Deductibles may not exceed \$100,000 per covered life per year, and the portion of risk retained by the health maintenance organization once deductibles have been satisfied may not exceed 20%. Reinsurance must be placed with licensed authorized reinsurers qualified to do business in this State.

(d) A health maintenance organization may not issue a point-of-service contract until it has filed and had approved by the Director a plan to comply with the provisions of this Section. The compliance plan must, at a minimum, include provisions demonstrating that the health maintenance organization will do all of the following:

(1) Design the benefit levels and conditions of coverage for in-plan covered services and out-of-plan covered services as required by this Article.

(2) Provide or arrange for the provision of adequate systems to:

(A) process and pay claims for all out-of-plan covered services;

(B) meet the requirements for point-of-service contracts set forth in this Section and any additional requirements that may be set forth by the Director; and

(C) generate accurate data and financial and regulatory reports on a timely basis so that the Department of Insurance can evaluate the health maintenance organization's experience with the point-of-service contract and monitor compliance with point-of-service contract provisions.

(3) Comply with the requirements of subsections (b) and (c)."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, Senate Bill No. 479 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 866 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, Senate Bill No. 867 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 867 on page 5, line 8, by changing "7702(B)(b)(C)" to "7702(B)(b)(1)(C)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 869 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 870 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, Senate Bill No. 915 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, Senate Bill No. 941 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 989 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, Senate Bill No. 1113 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, Senate Bill No. 1329 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, Senate Bill No. 1505 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Rauschenberger, Senate Bill No. 1506 having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Rauschenberger, Senate Bill No. 93 was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 93, on page 1, line 11 by deleting "Act".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Luechtefeld, Senate Bill No. 103, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.

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Madigan, R.
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Donahue, Senate Bill No. 149 was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 149 on page 5, line 14, by deleting "Office of Rural Health"; and
 on page 5, line 15, by deleting "within the" and by replacing "shall ensure that" with "may assist"; and
 on page 5, line 16, by changing "is" to "in"; and
 on page 5, after line 20, by inserting the following:

"Section 30. Rules; public comment.

(a) The Department shall adopt rules and regulations it deems necessary for the efficient administration of this Act.

(b) The rules shall provide for a 30-day general public comment period. Notification of a 30-day general public comment period shall be given to the community into which a grant applicant proposes to expand, by publication in at least one newspaper of general

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circulation in that community. At the conclusion of the 30-day comment period, the Department shall no longer accept written comments. The Department shall review written comments, submitted within the comment period, before awarding a grant.

(c) The Department shall consider the contents of written comments only as part of the overall grant review process."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Weaver, Senate Bill No. 174, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays 1.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

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Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Burzynski

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator O'Malley, Senate Bill No. 187 was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 187 as follows:
 on page 2, line 2, by replacing "must" with "may"; and
 on page 3, line 23, by replacing "Within" with "Upon the request of the petitioner, within"; and
 on page 4, line 1, by replacing "shall" with "may"; and
 on page 4, line 24, by replacing "shall" with "may, at the request of the petitioner,".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator O'Malley, Senate Bill No. 231 was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

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AMENDMENT NO. 1. Amend Senate Bill 231, on page 3, in lines 2 and 3, by replacing "~~with-less-than-3,000,000-inhabitants~~" with "with less than 3,000,000 in habitants"; and on page 3, by inserting the following immediately after line 21:

"The county collector of each county with 3,000,000 or more inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of \$5 to cover administrative costs to the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the county collector."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Roskam, Senate Bill No. 281, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays 7; Present 1.

The following voted in the affirmative:

Bomke
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, R.
Mahar

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Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Shaw
Sieben
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Bowles
Clayborne
Halvorson
Hendon
Jacobs
Madigan, L.
Ronen

The following voted present:

Silverstein

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Shaw asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "No" on the passage of Senate Bill No. 281.

Senator Obama asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "No" on the passage of Senate Bill No. 281.

On motion of Senator Klemm, Senate Bill No. 285, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in

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the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard

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Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Link, Senate Bill No. 305, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben

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Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Munoz, Senate Bill No. 368 was recalled from the order of third reading to the order of second reading.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 368, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 2, line 8, by changing "~~in~~" to "in".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rauschenberger, Senate Bill No. 371, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 37; Nays 19.

The following voted in the affirmative:

Bomke
Burzynski
DeLeo
del Valle
Dillard
Donahue
Dudycz

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Geo-Karis
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Luechtefeld
 Madigan, R.
 Mahar
 Molaro
 Myers
 Noland
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Rauschenberger
 Roskam
 Shadid
 Sieben
 Sullivan
 Syverson
 Trotter
 Viverito
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Bowles
 Clayborne
 Cullerton
 Demuzio
 Halvorson
 Hawkinson
 Hendon
 Jones, E.
 Lightford
 Link
 Madigan, L.
 Munoz
 Obama
 Radogno
 Ronen
 Shaw
 Silverstein
 Walsh, L.
 Walsh, T.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

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COMMITTEE MEETING ANNOUNCEMENTS

Senator Burzynski, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet Thursday, March 8, 2001 in Room A-1, Stratton Building, at 9:15 o'clock a.m., instead of 9:00 o'clock a.m.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet Thursday, March 8, 2001 in Room 212, Capitol Building, at 9:15 o'clock a.m., instead of 9:00 o'clock a.m.

Senator W. Jones, Vice-Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will meet Thursday, March 8, 2001 in Room 400, Capitol Building, at 9:15 o'clock a.m., instead of 9:00 o'clock a.m.

PRESENTATION OF RESOLUTION

Senators Donahue, Radogno, Ronen and Sullivan offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 70

WHEREAS, Current studies about what happens to unsupervised children indicate that when left alone, these children have higher absentee rates at school, have lower academic test scores, exhibit higher levels of fear, stress, nightmares, loneliness, and boredom, are 1.7 times more likely to use alcohol, and are 1.6 times more likely to smoke cigarettes; and

WHEREAS, Recent data shows that in the City of Chicago and other communities around this State, the violent juvenile crime rate soars in the hours immediately after the school bell rings and children are most likely to be victims of a violent crime committed by a non-family member between 2 p.m. and 6 p.m.; and

WHEREAS, Research indicates that children who attend high quality after-school programs have better peer relations, emotional adjustment, conflict resolution skills, grades, and conduct in school compared to their peers who are not in after-school programs; and

WHEREAS, Children who attend after-school programs spend more time in learning opportunities, academic activities, and enrichment activities and spend less time watching television than their peers; and

WHEREAS, In one study, children who attended an after-school program missed fewer days of school, had better homework completion, better school behavior, and higher test scores; and

WHEREAS, Polls show that 92% of Americans believe there should be organized activities for children and teens during after-school hours; and

WHEREAS, Polls show that 75% of Americans are ready to either pay more taxes or to forego a tax cut to provide children with good early childhood development programs and quality after-school programs; and

WHEREAS, As working parents can attest, child care concerns are not over once children are old enough to go to school; a parent who is employed full time can be away from home an average of 2,400 hours a year; children spend less than half of that time in school; if their children participate in a quality school-age care program or another organized out-of-school time activity, parents can rest easy because they know that their children are safe and supervised;

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therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the State Board of Education and the Department of Human Services are directed to convene and co-chair a task force, to be known as the Illinois After-school Initiative, to develop a plan to ensure quality after-school programs for every school-age child in the State and that the Illinois After-school Initiative shall be comprised of other related State agencies and private organizations representing without limitation violence prevention, parents, park districts, special need populations, private foundations, civic and cultural organizations, community-based youth service providers, law enforcement, education, local voluntary organizations, faith-based communities, health, evaluation, and research institutions, child and youth advocacy, alcohol, tobacco, and substance abuse prevention, and mental health; and be it further

RESOLVED, That the activities of the Illinois After-school Initiative shall include (i) an assessment of the state of after-school services in this State, including identification of the number of children and youth served statewide in after-school programs, identification of the number and location of children and youth who are in need of after-school programs, and identification of the various funding streams currently supporting after-school programs, and (ii) the development of a plan for coordinating after-school services and for achieving a goal of providing after-school services for every school-age child in this State; and be it further

RESOLVED, That the Illinois After-school Initiative plan shall include strategies for this State to promote best-practice models for after-school programs and to promote coordination and collaboration of after-school services at the local level; and be it further

RESOLVED, That the Illinois After-school Initiative shall engage children and youth in development of the plan; and be it further

RESOLVED, That the Illinois After-school Initiative shall review and report to the General Assembly on model programs operating in this State and other states and that the review shall look at program components identified as best-practices and based on proven research; and be it further

RESOLVED, That the State Board of Education and the Department of Human Services may provide, by grant or contract, support to a statewide organization for the development and implementation of the Illinois After-school Initiative plan and assessment, that funds for the Illinois After-school Initiative shall be sought from the federal government and State human service code departments, and that private sponsorship may also be sought; and be it further

RESOLVED, That the State Board of Education and the Department of Human Services shall report to the Governor and the General Assembly on the Illinois After-school Initiative plan and submit recommendations by April 1, 2002; and be it further

RESOLVED, That suitable copies of this resolution shall be delivered to the State Board of Education and the Department of Human Services.

At the hour of 1:58 o'clock p.m., on motion of Senator T. Walsh, the Senate stood adjourned until Thursday, March 8, 2001 at 9:00 o'clock a.m.

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